

Attorney Docket No. OOMP0001C

U.S. Serial No. 09/735,586

REMARKS

Applicant thanks the Examiner for his assistance and courtesy during Interview which was held on 30 October 2007. During the interview, Applicant presented to the Examiner a new Claim 38 which is submitted herewith. Applicant has cancelled all previously submitted independent claims and Claim 38 is now the sole independent claim presented for consideration by the Examiner.

While Applicant does not concede that the Examiner's refusal to accept Applicant's submission under 37CFR 1.131 is correct, Applicant nonetheless, in the interest of expediting prosecution, has chosen to present a claim that Applicant considers to be a clear statement of the invention and that clearly avoids the Smith reference relied upon by the Examiner under 35 U.S.C. 102(e). As discussed during the Interview abovementioned, a key distinction between the claimed invention and that of Smith is that the claimed invention is used in connection with a game play segment of the computer game program. During the Interview, the Examiner indicated that this limitation would be sufficient to avoid the Smith reference. Applicant appreciates that the Examiner may choose to perform an additional search and that the Examiner's indication that Smith was avoided does not mean that the Examiner is yet prepared to provide a Notice of Allowance to Applicant. However, Applicant encourages the Examiner to review the record carefully. Applicant believes that the Examiner has already considered the most relevant art and that any further search would only result in the production of cumulative art. Accordingly, Applicant encourages the Examiner to complete whatever diligence the Examiner deems necessary in connection with his examination and then provide Applicant with a Notice of Allowance.

Support for Applicant's claim amendments can be found in the specification at least on page 5, item F), page 7, lines 6-11, Page 7, line 21, Page 8, lines 25-26,

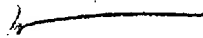
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Page 9, lines 30-34, Page 11, lines 5-9, Page 15, lines 19-24, and, particular, beginning on page 17 line 34 through Page 29-31, as well as elsewhere.

Should the Examiner deem it helpful, he is encouraged to contact Applicant's attorney, Michael A. Glenn, as (650) 474-8400.

Respectfully submitted,



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